

MINUTES

MONTANA SENATE 57th LEGISLATURE - REGULAR SESSION COMMITTEE ON FISH AND GAME

Call to Order: By **CHAIRMAN MIKE SPRAGUE**, on February 6, 2001 at 3 P.M., in Room 422 Capitol.

ROLL CALL

Members Present:

Sen. Mike Sprague, Chairman (R)
Sen. Jack Wells, Vice Chairman (R)
Sen. Al Bishop (R)
Sen. Edward Butcher (R)
Sen. William Crismore (R)
Sen. Pete Ekegren (R)
Sen. Eve Franklin (D)
Sen. Debbie Shea (D)
Sen. Bill Tash (R)
Sen. Jon Tester (D)

Members Excused: Sen. Jon Ellingson (D)

Members Absent: None.

Staff Present: Roberta Opel, Committee Secretary
Mary Vandembosch, Legislative Branch

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing(s) & Date(s) Posted: HB 185, SB 304, 2/2/2001
Executive Action: HB 185

HEARING ON HB 185

Sponsor: REP. STEVE GALLUS, HD 35, Butte

Proponents: Jeff Hagener, Director, Fish, Wildlife & Parks (FWP)

Opponents: None

Opening Statement by Sponsor:

REP. GALLUS stated HB 185 clarifies the Youth Combination Sports License adopted in 1999 (HB 533). The bill repeals the sunset that allows youth 17 years of age to purchase a combination license if they reach 18 years of age during that license year.

Proponents' Testimony:

Jeff Hagener, Director, FWP, testified in support of HB 185. **EXHIBIT(fis30a01)** Mr. Hagener also submitted a chart showing both current license prices and license costs without passage of HB 185. **EXHIBIT(fis30a02)**

Opponents' Testimony:

None

Questions from Committee Members and Responses:

None

Closing by Sponsor:

REP. GALLUS closed on HB 185.

EXECUTIVE ACTION ON HB 185

Motion/Vote: SEN. JON TESTER MOVED HB 185 BE CONCURRED IN. The motion carried unanimously, 8-0.

HEARING ON SB 304

Sponsor: SEN. LINDA NELSON, SD 49, Medicine Lake

Proponents: Mike Jensen, Plentywood
Andrew McKean, National Wild Turkey Federation (NWTf)
Paul Overgaard, Plentywood

Opponents: Lawrence Sickerson, representing himself
Ben Deeble, National Wildlife Federation

Greg Munther, representing himself_____

Bob Lucas, representing himself

Jack Puckett, Big Sky Upland Bird Association

Doug Denler, Headwaters Chapter, Pheasants Forever

Brian Logan, Montana Wildlife Federation_____

Opening Statement by Sponsor:

SEN. LINDA NELSON, SD 49, Medicine Lake, presented SB 304 that addresses upland game bird laws specifically related to habitat enhancement and the planting of birds. The Upland Game Bird Habitat Enhancement Program (UGBHEP) was created by the legislature in 1989 by modifying an existing program known as the Pheasant Enhancement Program (1987), she explained to the committee. Grouse, partridge, turkeys and pheasants are also included in the term upland game bird.

SB 304 requires 15% of funds collected to be set aside each year for the bird release program; approximately \$122,000, she explained.

A Legislative Audit of the UGBHEP, conducted in December 2000, was submitted as testimony. **EXHIBIT(fis30a03)**

Proponents' Testimony:

Mike Jensen, Plentywood, representing Sheridan County Chamber of Commerce, testified the UGBHEP should include both stocking and habitat development. He emphasized the Sheridan County area depended on income from non-resident bird hunters.

Andrew McKean, President, National Wild Turkey Federation, expressed support for the bill that includes wild turkeys as a target species for funding. **EXHIBIT(fis30a04)**

Paul Overgaard, Plentywood motel businessman, stated the Plentywood area needed the UGBHEP for income to the region. He said he experienced a 50% drop-off in revenue over the past three years due to a lack of hunters at his motel. FWP also needs to establish better public relations with landowners, he added.

{Tape : 1; Side : A;}

Opponents' Testimony:

Lawrence Sickerson, representing his extended family, submitted a 1998 UGBHE report that indicated the futility of releasing pen-raised pheasants. **EXHIBIT(fis30a05)**

Ben Deeble, National Wildlife Federation staff member and President of Big Sky Upland Bird Association, encouraged the committee to look beyond pheasants to sage grouse and other bird conservation issues. **EXHIBIT(fis30a06)**

Greg Munther, Missoula resident representing himself, told the committee he was opposed to the bill because it would divert 15% of the revenue, with no upper cap, for raising and releasing upland game birds. Pen-raised pheasants have as much chance in the wild as chickens, he emphasized. **EXHIBIT(fis30a07)**

Bob Lucas, Missoula, Big Sky Upland Game Bird Association, said the bill contained unacceptable provisions and should not be passed in its present form. **EXHIBIT(fis30a08)**

{Tape : 1; Side : B;}

Jack Puckett, Missoula, representing Big Sky Upland Bird Association, submitted testimony opposing SB 304. **EXHIBIT(fis30a09)**

Doug Denler, Headwaters Chapter Pheasants Forever, said they opposed the bill in its current form but would lend support if FWP recommendations were included.

Brian Logan, Montana Wildlife Federation, testified the biological community recognizes that raising pen-reared birds is futile.

Richland County residents submitted a written petition opposing SB 304 as drafted. **EXHIBIT(fis30a10)**

Informational Testimony:

SEN. ED BUTCHER, SD 47, presented comments from several of his constituents who opposed setting aside money for bird release. These constituents would like the money to be used for habitat, he said.

SEN. BUTCHER further commented that if upland game bird management continues, predator control issues will need to be addressed or legislator's would be "totally wasting taxpayer's dollars."

Jeff Hagener, FWP, testified in support of the intent of the bill adding that FWP would work with the sponsor on an amendment. **EXHIBIT(fis30a11)**

Janet Ellis, representing Montana Audubon, presented prepared testimony noting changes to the bill. **EXHIBIT(fis30a12)**

Questions from Committee Members and Responses:

SEN. TESTER inquired about the cost of planting birds.

Don Childress, FWP, Administrator, Wildlife Division, stated the cost was about \$12,000 per planting or \$3 per bird.

SEN. TESTER asked if these birds were released on public lands that were open or closed.

Mr. Childress replied that a requirements of the project was that birds would have to be released on public hunting lands.

SEN. TESTER asked to have administrative procedures in the UGBHEP audit explained.

Mr. Childress said those procedures are the program guidelines.

SEN. TESTER asked **Paul Overgaard** to describe the occupancy drop in his motel business.

Mr. Overgaard answered that until recently, October, November and December were his biggest business months.

SEN. TESTER said three years ago, then, there were enough pheasants to draw hunters but now there are not enough birds.

Mr. Overgaard responded that in the winter of 1997, he had customers but the next few winters were poor because of a drop in the pheasant population.

SEN. TESTER asked how he would explain the increase in the bird population.

Mr. Overgaard said the bird increase was due to the release program.

SEN. TESTER summarized their conversation by noting that the program had worked well at one time.

Mr. Overgaard said it would take a long time to restock birds in the area without the release program.

SEN. TESTER asked **SEN. NELSON** if there were any limits on cost per bird.

SEN. NELSON said the cost per bird was \$3 but she had removed cost-related language from the bill because it had been determined that eight weeks was not old enough to ensure survivability.

SEN. TESTER said he would like to know the percentage or dollar amount of the program.

SEN. NELSON replied there wasn't a specific program evaluation figure but perhaps this figure could be included in the 10% set aside for administration.

SEN. TESTER asked **SEN. NELSON** if she would be agreeable to the amendments discussed.

SEN. NELSON said she would be willing to work with anyone regarding an amendment.

SEN. BILL TASH asked **Mr. Childress** where the stocked pheasants were raised.

Mr. Childress explained there were several options including local groups and individuals. However, most releases are through a private, commercial operator.

SEN. TASH said he remembered when FWP raised pheasants at Warm Springs.

Mr. Childress said FWP stopped raising pheasants around 1985. At that time, FWP was releasing birds in front of the gun, he said, basically because that was the only way FWP could provide a bird cost-effectively.

SEN. TASH said the birds were raised strictly for hunting.

SEN. DEBBIE SHEA asked **Mr. Jensen** if there were records that indicate the number of birds returning to an area.

Mr. Jensen provided, as an example, a bag of pheasant tags from opening day that represented about 30 to 40% of the birds shot on Ed Smith's property (Black Hills Management Area). He said these numbers were contradictory to all biologist reports, however.

SEN. SPRAGUE inquired at what age **Mr. Smith** released his birds.

Closing by Sponsor:

SEN. NELSON answered that Mr. Smith's birds were released, with extreme care, at eight weeks.

In response to testimony regarding bird plantings in poor conditions, **SEN. NELSON** said that under SB 304, planted birds can be older than eight weeks. Through rule-making authority, landowners are required to give written permission to allow bird planting.

She said the bill was not specifically focused on pheasants but rather on all upland game birds.

There is a cap on bird plantings, she said, noting that only 15% of the 25% must be committed before the remainder of the money is spent on habitat enhancement.

{Tape : 2; Side : A}

SEN. NELSON commented there seemed to be misunderstanding about the amount of money committed for bird planting. If money was not used for planting, it would be directed toward habitat enhancement, she explained. A clean-up bill is critical now, she added, or the department will revert back to law which recognizes that money set aside for bird planting cannot be spent for habitat enhancement until the end of the year.

SEN. SPRAGUE asked Mike Wingard, Legislative Audit Department, if there was additional literature he would like distributed to the committee.

Mr. Wingard distributed photos of food plots, range management and habitat projects. **EXHIBIT(fis30a13)**

ADJOURNMENT

Adjournment: 5:05 P.M.

SEN. MIKE SPRAGUE, Chairman

ROBERTA OPEL, Secretary

MS/RO

EXHIBIT (fis30aad)